

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY



County of Allegheny

436 GRANT STREET, 401 COURTHOUSE ♦ PITTSBURGH, PENNSYLVANIA 15219-2489
PHONE (412) 350-4377 ♦ FAX (412) 350-3312

Jon Moss
MuckRock News
DEPT MR 64344
411A Highland Ave
Somerville, MA 02144-2516

January 14, 2019

Dear Mr. Moss:

As you are aware from our previous correspondence, I am the Open Records Officer for the District Attorney of Allegheny County. On December 11, 2018, I received your request dated that same day in which you stated that you are seeking:

Any emails sent to or from Assistant District Attorney John Pittman between December 8, 2017 and December 22, 2017.

As I explained in my previously email, upon receiving your request I directed a search of the District Attorney's email server and have attached to the accompanying email the results of that search. Please be advised, however, that I have withheld 31 emails that were the subjects of criminal investigations. Notably, the Right-To-Know Law, 65 P.S. § 67.708(b)(16), exempts from access any "record of an agency relating to or resulting in a criminal investigation . . ." Because the content of these emails were part of, or discussing, criminal investigation information, they were exempt from disclosure under Right to Know Law. In addition, many contain internal deliberations and legal opinions and are protected as work product of the District Attorney's Office pursuant to 65 P.S. § 67.708(b)(10), as well.

If you should consider my response a denial of your request, please be advised that pursuant to Section 1101 you have 15 days to appeal my decision to the Open Records Appeals Officer for the District Attorney of Allegheny County. His name is Michael W. Streily. His address is: Office of the District Attorney, 401 Courthouse, 436 Grant Street, Pittsburgh, PA 15219.

Very truly yours,

/s/ Kevin F. McCarthy,
Kevin F. McCarthy
Assistant District Attorney
Open Records Officer